

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

DAVID SCOTT HASTINGS,

Plaintiff,

v.

Case No: 2:18-cv-81-SPC-MRM

CITY FORT MYERS, DERRICK
DIGGS, STEPHEN B.
RUSSELL, NATALIE K.
SAVINO, NICOLAS MAMALIS,
ALESHA MOREL and TYLER
LOVEJOY,

Defendants.

OPINION AND ORDER¹

Before the Court is Plaintiff David Scott Hastings' Motion to Stay. ([Doc. 82](#)). On May 5, 2021, the Eleventh Circuit dismissed Hastings' appeal for failing to pay the filing fee. ([Doc. 85](#)). That makes Hastings' motion moot.

Also pending before the Court is Defendant Derrick Diggs' Motion to Dismiss. ([Doc. 74](#)). Hastings has not filed a response. Before ruling on Diggs' Motion to Dismiss, the Court wants to give Hastings a final opportunity to respond.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Accordingly, it is now

ORDERED:

1. Plaintiff's Motion to Stay ([Doc. 82](#)) is **DENIED as MOOT**.
2. Plaintiff is **ORDERED** to file a response to Diggs' Motion to Dismiss on or before May 27, 2021. If he does not file a response, the motion will be treated as unopposed.

DONE and **ORDERED** in Fort Myers, Florida on May 6, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record